

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRY KUEHNER,	)	
	)	2:09cv749
Plaintiff,	)	Electronic Filing
	)	
v.	)	
	)	Judge Cercone /
COMMONWEALTH OF PENNSYLVANIA,	)	Magistrate Judge Lenihan
<i>BOARD OF PROBATION &amp; PAROLE;</i>	)	
DEPARTMENT OF CORRECTIONS, <i>S.C.I.</i>	)	
<i>FAYETTE; JEFFREY BEARD, PHD, Secretary of</i>	)	
<i>Dept .of Corrections; BRIAN COLEMAN,</i>	)	
<i>Superintendent: Warden S.C.I. Fayette; MS. JILL</i>	)	
<i>MONAS, Unit Manager, S.C.I. Fayette (A) Block;</i>	)	
<i>MR. JASON ASHTON, Counselor (A) Block; MRS.</i>	)	
<i>CAREY HAWK, Counselor, (A) Block Et, Al 's</i>	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated on June 11, 2009, by the filing of a Motion to Proceed In Forma Pauperis (Document No. 1) accompanied by a Complaint. The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (Document No. 30), filed on May 7, 2010, recommended that Defendants' Motion to Dismiss (Document No. 19) be granted. Plaintiff filed Objections on May 17, 2010 (Document No. 32). After a *de novo* review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 1<sup>st</sup> June day of ~~May~~, 2010;

**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Document No. 19) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Document No. 30) of Magistrate Judge Lenihan, dated May 7, 2010, is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure if he so desires.



David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

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